1

2

3

4

5

6

7

8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10   SAN FRANCISCO DIVISION

11

12 NATIONAL TPS ALLIANCE, MARIELA   Case No. 25-cv-1766
    GONZÁLEZ, FREDDY JOSE ARAPE RIVAS,
13 M.H., CECILIA DANIELA GONZÁLEZ   **[PROPOSED] ORDER GRANTING
    HERRERA, ALBA CECILIA PURICA   MOTION TO POSTPONE EFFECTIVE
14 HERNÁNDEZ, E.R., and HENDRINA VIVAS   DATE OF AGENCY ACTION**
    CASTILLO,

15   Plaintiffs,

16   vs.

17 KRISTI NOEM, in her official capacity as
    Secretary of Homeland Security, UNITED
18 STATES DEPARTMENT OF HOMELAND
    SECURITY, and UNITED STATES OF
19 AMERICA,

            Defendants.
20

21

22

23

24

25

26

27

28

[PROPOSED] ORDER

Plaintiffs' Motion to Postpone Effective Date of Agency Action ("Plaintiffs' Motion") was filed on February 20, 2025. After consideration of the briefs and arguments of counsel, the evidence filed in support of and in opposition to Plaintiffs' Motion, and being fully advised, the Court finds that Plaintiffs have carried their burden to demonstrate a need for postponement of the effective date of agency action in this case to preserve the status quo pending resolution of this case on the merits.

Accordingly, IT IS HEREBY ORDERED THAT Plaintiffs' Motion is GRANTED as follows:

1.   The Court concludes that Plaintiffs have carried their burden of showing (1) likelihood of success on the merits of their claims under the Administrative Procedure Act ("APA") and the Anti-Discrimination guarantee of the Fifth Amendment to the United States Constitution; (2) that the "vacatur" of the January 17, 2025 extension of Temporary Protected Status ("TPS") for Venezuela and the February 5, 2025 termination of TPS for Venezuela are causing and will cause irreparable harm to TPS holders, their families (which include U.S. citizens), and the public absent postponement of the effective date of agency actions; and (3) that the balance of equities and the public interest weigh in Plaintiffs' favor. Accordingly, a postponement of agency action pursuant to 5 U.S.C. § 705 of the APA and the inherent equitable powers of this Court is warranted.

2.   It is hereby ORDERED THAT the effective date of implementation and/or enforcement of (1) the decision to "vacate" the January 17, 2025 extension of TPS for Venezuela and (2) the February 5, 2025 decision to terminate TPS for Venezuela pending resolution of this case on the merits are hereby immediately postponed and stayed until such time as the Court can resolve the Complaint on the merits. The January 17, 2025 extension of TPS for Venezuela remains in effect until further order of the Court.

IT IS SO ORDERED.

Date: _____, 2025

_____
The Honorable
UNITED STATES DISTRICT JUDGE

1